

Appl. No. 10/013,984
Amdt. Dated April 29, 2004
Reply to Office Action of January 29, 2004

• • R E M A R K S / A R G U M E N T S • •

The Official Action of January 29, 2004 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the limitations of dependent claim 4 have been incorporated into independent claim 1, in effect presenting the limitations of dependent claim 4 in independent form. Claim 4 has appropriately been canceled by the present amendment.

In addition, new independent claim 8 has been added which corresponds substantially to previous independent claim 1 with the further limitation that "said plurality of openings further having opposed first and second sides and opposed first and second ends and said plurality of protuberances being located exclusively along the first ends of each of the plurality of openings."

Support for this further limitation can be readily found in Figs. 2-4.

In addition, new dependent claims 9-14 have been added which depend from new independent claim 8 and correspond to previous dependent claims 2-7.

Entry of the changes to the claims is respectfully requested.

Claims 1-3 and 5-14 are pending in this application.

Claims 1, 2, 3, 5 and 6 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,117,524 to Hisanaka et al.

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On page 2 of the Official Action the Examiner has objected to claims 4 and 7 as being dependent upon a rejected base claim, but has otherwise stated that claims 4 and 7 would be allowable if rewritten in independent form.

Inasmuch as the limitations of dependent claim 4 have been incorporated into independent claim 1, it is submitted that independent claim 1 is allowable together with claims 2, 3 and 5-7 which depend therefrom.

It is further submitted that new claims 8-14 are allowable for the reasons set forth below.

The Examiner has relied upon Hisanaka et al. as disclosing a topsheet for a disposable wearing article that includes an upper surface 13, a lower surface 14 and a plurality of openings 11 which have widths of 1 mm and lengths of 1.5 mm and "therefore" an area of 1.5 mm². The Examiner states that a peripheral portion adjacent the upper surface 13 has an increased thickness so as to form the protuberances 12 that extend upward from the upper surface 13.

The "protuberances" which the Examiner refers to Hisanaka et al. as teaching are "rising portions 12 formed on edges of the apertures 9." As can be seen in the figures, the rising portions 12 are along each of the opposite ends and each of the opposite sides of the apertures 9 of Hisanaka et al.

Accordingly, Hisanaka et al. does not anticipate or render obvious the limitation in new independent claim 8 that "said plurality of openings further having opposed first and second sides and opposed first and second ends and said plurality of protuberances being located exclusively along the first ends of each of the plurality of openings."

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Accordingly, new independent claim 8 is believed to be patentable over Hisanaka et al. together with claims 9-14 which depend therefrom.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicant's claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, entry of the changes to the claims and withdrawal of the outstanding rejection of the claims and an early allowance of the claims are believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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